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April 19, 2023

VIA ECF

The Honorable James L. Cott
United States District Court
Southern District of New York
500 Pearl Street, Room 1360
New York, New York 10007

Re: *Doe v. Columbia University*, No. 1:20-cv-06770-GHW-JLC

Dear Judge Cott:

We write on behalf of Defendant The Trustees of Columbia University in the City of New York (“Columbia”) to seek the Court’s instruction on whether further information should be submitted to the Court in advance of the conference currently scheduled for April 25, 2023.

Yesterday, pursuant to the Court’s Order, ECF 87, Plaintiff submitted certain information to the Court, including Plaintiff’s position on several discovery disputes, copies of Plaintiff’s responses and objections to Columbia’s discovery requests (but not Columbia’s responses and objections to Plaintiff’s Requests for Production (“RFPs”)), and a limited selection of letters from Plaintiff’s counsel to Columbia’s counsel (but not from Columbia’s counsel to Plaintiff’s counsel). *See* ECF 89 & 89-1 through 89-6. Columbia is seeking the Court’s instruction as to whether it should provide any similar information or documents in advance of next Tuesday’s conference.

For example, in the letter filed with the Court yesterday, ECF 89, Plaintiff discusses several issues that were not addressed in Columbia’s earlier letter to the Court, ECF 84, all of which Columbia agrees should be discussed at the upcoming conference, including Plaintiff’s RFPs concerning #MeToo, SVR, and social media postings cited in the Amended Complaint.¹ Columbia is prepared to provide its position on these issues in writing in advance of the conference, should it be useful to the Court, and will do so at the Court’s direction.

In addition, it may be useful for the Court to see a copy of Columbia’s responses and objections to Plaintiff’s RFPs in advance of the conference, which Columbia would be happy to submit at the Court’s direction. In recognition of the Court’s Individual Practice I.A, Columbia

¹ Plaintiff also discusses Plaintiff’s own discovery responses, the parties’ “ESI negotiations,” and whether Columbia should be required to produce documents relating to dismissed claims, all of which were addressed briefly in Columbia’s earlier letter, ECF 84, and which Columbia agrees should also be discussed at next Tuesday’s conference.

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will not provide any additional correspondence between the parties without the Court's permission, but can of course provide it if the Court so instructs and will have copies available at the conference next week.

Finally, Columbia respectfully submits that the date range for Columbia's document production and the logging of privileged documents should also be discussed at next week's conference. Columbia is similarly prepared to briefly outline these issues in writing for the Court in advance of the conference, if the Court so instructs. With these, Columbia respectfully submits that the issues for discussion at Tuesday's conference would be as follows:

- The proposed Protective Order, *see* ECF 83 & 88;
- Plaintiff's objections to responding to Columbia's discovery requests, other than in relation to his own alleged damages and his allegations about gender bias in Columbia's training and decision-making;
- Columbia's objections to responding to certain of Plaintiff's discovery requests, including:
 - Plaintiff's RFPs relating to dismissed claims, #MeToo, SVR, and social media postings cited in the Amended Complaint;
 - Plaintiff's proposed search terms and custodians to be applied to Columbia's document review;
 - Plaintiff's proposed date range to be applied to Columbia's document review; and
- The logging of privileged documents.

Respectfully submitted,



Gabrielle E. Tenzer